

MAR 16 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MONSERRAT CANTU-CRUZ,

Defendant - Appellant.

No. 04-10350

D.C. No. CR-04-00078-1-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted March 8, 2006**

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Monserrat Cantu-Cruz appeals from the 46-month sentence imposed following his guilty plea conviction for illegal entry after deportation, in violation

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of 8 U.S.C. § 1326(a), as enhanced by (b)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291.

The parties' joint motion for a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc), is **GRANTED** and the sentence is **REMANDED**.